

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TERRY K. OFORI,)	
Plaintiff,)	Civil Case No. 7:20-cv-00344
v.)	
)	By: Elizabeth K. Dillon
LESLIE J. FLEMING, <i>et al.</i> ,)	United States District Judge
Defendants.)	

ORDER

Plaintiff Terry K. Ofori, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants filed a motion to dismiss on December 22, 2020. (Dkt. No. 14.) The following day, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). The notice gave Ofori twenty-one days to file a response to the motion to dismiss and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” (Dkt. No. 16.) The notice further advised Ofori that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, “the Court may dismiss the case for failure to prosecute.” (*Id.*)

Ofori sought and received several extensions of time to file a response to the motion to dismiss. The latest order set the deadline for responding as April 16, 2021, and again warned Ofori that if he “fail[ed] to file a timely response, his case may be dismissed for failure to prosecute. (Dkt. No. 20.) That deadline has passed, and Ofori did not file any response nor seek an extension of time to respond. Thus, dismissal of Ofori’s case for failure to prosecute is proper.

Accordingly, it is hereby ORDERED that Ofori's complaint is DISMISSED without prejudice and the Clerk shall STRIKE this action from the active docket of the court. All pending motions are DENIED AS MOOT.

The Clerk is directed to provide a copy of this order to the parties.

Entered: April 27, 2021.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge